

**Questions? Contact the Government Reform Subcommittee on Criminal Justice,
Drug Policy and Human Resources, (202) 225-2577
<http://reform.house.gov/CJDPHR/>**

Office of National Drug Control Policy (“ONDCP”)

ONDCP	FY 2005¹ Requested	FY 2005² Final	FY 2006³ Requested	FY 2006⁴ Enacted	FY 2007⁵ Request
AGENCY TOTAL*	\$27.60	\$26.80	\$24.22	\$26.90	\$23.31

*in millions

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Budget Request

The Committee generally supports the Administration’s request for \$23.31 million for operations at ONDCP. That is, however, below the *appropriated* level of \$26.9 million for fiscal year 2006, as well as below the Administration’s own requests for \$24.224 million for 2006 and \$27.6 million for fiscal year 2005. Director Walters, in response to written questions from the Criminal Justice Subcommittee last year, stated that the FY 2006 reduction reflected an attempt to shift \$2.6 million of ONDCP’s rental and health care costs from ONDCP to the Office of Administration at the Executive Office of the President. Director Walters assured the Subcommittee that no reduction in ONDCP staffing or activity would occur.⁶

The Committee appreciates the fact that the Administration has committed to maintaining current staffing levels at ONDCP. As noted above, however, even taking

¹ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/budgetsum05.pdf> (last visited February 24, 2006).

² The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at http://www.whitehousedrugpolicy.gov/publications/policy/07budget/office_national_drug_control_policy.pdf (last visited February 24, 2006).

³ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/ondcp.pdf> (last visited February 24, 2006).

⁴ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at http://www.whitehousedrugpolicy.gov/publications/policy/07budget/office_national_drug_control_policy.pdf (last visited February 24, 2006).

⁵ Id.

⁶ See *Fiscal Year 2006 Drug Control Budget: Hearing before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform*, 109th Cong. (February 10, 2005)(testimony of Director Walters). At http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_house_hearings&docid=f:20878.pdf (last visited February 24, 2006).

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into consideration the accounting shift of \$2.6 million in costs from one office of the Executive Office of the President to another, the Administration is still requesting nearly \$1.7 million less for ONDCP than it did two years ago. The Committee would like to know whether in spite of these steady reductions in ONDCP funding requests, Director Walters' previous assurances to the Subcommittee that no reduction in staffing or operations remain in effect. The Committee also trusts that the declining funding requests do not indicate a corresponding reduction in the Administration's commitment to the Office and its mission.

Similarly, the Committee is very concerned about – and will vigorously oppose – the Administration's proposal to allow the President to shift up to 10 percent of ONDCP's Congressionally appropriated funds to any other department or program of his choosing, without seeking the approval of Congress.⁷ The Committee is not, in principle, opposed to a temporary reprogramming authority during a national emergency. The Administration's proposal, however, is not limited to national emergencies – it would be unlimited in purpose and duration.

The Committee is aware that in a time of shrinking budgets, many agencies must share the burden of budget cuts. The Committee reminds the Administration, however, that ONDCP is not simply an administrative subdivision of the White House. It is both the President's principal advisor with respect to drug control policy development and program oversight, and it is responsible to Congress to account for the nation's efforts to reduce the use, manufacturing, and trafficking of illicit drugs. Reductions in its budget and attacks on its independence will hinder ONDCP's ability to provide effective policy coordination and oversight – a result that this Committee will strenuously oppose.

Oversight and Coordination by ONDCP

The Committee has ongoing concerns that ONDCP has not been exercising the kind of active leadership, oversight, and coordination of executive branch drug control efforts envisioned by Congress when it was authorized in 1988 and reauthorized in 2005.⁸ As the Committee noted in its report last year, ONDCP has not yet provided effective responses to several major challenges to federal drug enforcement efforts.⁹

⁷ See OFFICE OF MANAGEMENT AND BUDGET: GENERAL PROVISIONS – GOVERNMENT-WIDE, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2007: APPENDIX, Proposed Sec. 835 at 13.

⁸ See *Office of National Drug Control Policy Reauthorization Act of 2005*, H.R. 2829: *Hearing before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform*, 109th Cong. (June 15, 2005). At <http://a257.g.akamaitech.net/7/257/2422/08dec20051200/www.access.gpo.gov/congress/house/pdf/109hrg/23688.pdf> (last visited February 24, 2006).

⁹ COMMITTEE ON GOVERNMENT REFORM, REPORT: THE NATIONAL DRUG CONTROL STRATEGY FOR 2005 AND THE NATIONAL DRUG CONTROL BUDGET FOR FISCAL YEAR 2006, H.R. Report 109-172, (2005) at 27.

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First, ONDCP has not taken the initiative in formulating an effective federal anti-methamphetamine strategy. Although ONDCP has been involved in the Administration's very limited anti-meth efforts to date (see Section __ above), there is little indication that ONDCP has attempted to push other branches of the federal government to take further, necessary action. Indeed, public statements by a number of ONDCP officials suggest that the Office does not regard the meth epidemic as a priority – or even as an epidemic.¹⁰

Nor is there any indication that ONDCP has effectively responded to the increasing pressure on agencies such as the FBI, the Coast Guard, the Border Patrol, and the legacy Customs Service to abandon or reduce drug enforcement in favor of homeland security and counterterrorism missions. This year, Director Walters apparently certified a budget request for the Department of Homeland Security that would eliminate any funding to ensure that vital maritime patrol aircraft will remain operational over the next 5-10 years.¹¹ As described in Section __ below, this would have a crippling effect on our long-term drug interdiction capabilities. The fact that Director Walters certified such a budget request as adequate raises serious questions about ONDCP's fulfillment of its statutory responsibilities.

Similarly, ONDCP must take more assertive action to respond to the reduced commitment of the Department of Defense to counterdrug efforts.¹² The Defense Department has dedicated fewer assets to interdiction in the “transit zones” of the Caribbean and eastern Pacific Ocean, has scaled back National Guard assistance to state and local law enforcement, and – most significantly – has failed to take effective action against the rapid growth of heroin production in Afghanistan. While the Committee recognizes that ONDCP must frequently defer to the Defense Department on questions affecting the military, ONDCP should also be assertive in ensuring that the national priority of reducing drug trafficking is not forgotten, even by our government's largest and most respected institutions. To date, however, ONDCP has been publicly silent about the Defense Department's reduced commitments – and has failed to present

At

<http://reform.house.gov/UploadedFiles/The%20National%20Drug%20Control%20Strategy%20for%202005%20and%20the%20National%20Drug%20Control%20Budget%20for%20Fiscal%20Year%202006%20-%20Report.pdf> (last visited February 24, 2006).

¹⁰ See, e.g., David J. Jefferson, et al, *America's Most Dangerous Drug*, NEWSWEEK, Aug. 8, 2005 (quoting ONDCP spokesman Tom Riley, “I'm afraid there's also an element of people ‘crying meth’ because it's a hot new drug.”); Jim Barnett, *Drug Czar Ignoring New Peril, Some Say*, SYRACUSE POST-STANDARD, Aug. 7, 2005 (“Two of [ONDCP Director John] Walters' top deputies – Dave Murray and John Horton – declared that meth still doesn't qualify as an epidemic.”); compare, *Prepared Remarks of Attorney General Alberto Gonzales at the National District Attorneys Association Meeting* (July 18, 2005), available at www.usdoj.gov (referring to “the epidemic of methamphetamine drug use,” and stating, “In terms of damage to children and to our society, meth is now the most dangerous drug in America.”).

¹¹ CUSTOMS AND BORDER PROTECTION, BUDGET IN BRIEF, FY 2007, Feb. 2006, at 25.

¹² See *Drug Control: Agencies Need to Plan for Likely Declines in Drug Interdiction Assets, and Develop Better Performance Measures for Transit Zone Operations*, GAO REPORT NO. 06-2000, Nov. 2005.

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Congress with any plans to “backfill” those reductions in assets and personnel for counternarcotics missions.

It was no accident that the original legislation creating ONDCP was titled the “National Narcotics *Leadership* Act of 1988” (emphasis added). Congress expected leadership from ONDCP on drug control issues – not simply passive support for whatever actions the other branches of the Administration take. The Committee hopes that the Office will increase its efforts to forge a strong, unified approach to the drug problem within the Administration.

To help the Office achieve that result, the Committee included a number of provisions in H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005. These provisions give ONDCP additional tools as it exercises its leadership responsibilities, including:

- A clear statement of Congressional intent that the Director of ONDCP has the same rank and status as the heads of the executive Departments he is charged with overseeing and coordinating;
- Requirement for written strategies concerning Southwest Border drug trafficking, Afghan heroin and South American heroin and cocaine;
- Requirement for revised, government-wide General Counterdrug Intelligence Plan (GCIP) and National Interdiction Command and Control Plan (NICCP); and
- Requirement that federal agencies and programs with drug control responsibilities submit *all* of their drug control activity budget requests to ONDCP for review and certification.

The Office administers several programs related to drug enforcement and prevention. The Committee’s views on each are set forth below:

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High Intensity Drug Trafficking Areas (HIDTA) Program

HIDTA	FY 2005¹³ Requested	FY 2005¹⁴ Final	FY 2006¹⁵ Requested¹⁶	FY 2006¹⁷ Enacted	FY 2007¹⁸ Request¹⁹
TOTAL*	\$208.4	\$226.5	\$100	\$227	\$208

*in millions

The Committee has deep concerns about the Administration's proposals for the High Intensity Drug Trafficking Areas (HIDTA) program. The Administration has requested \$208 million for the program but has again (as it did last year) proposed moving it (via the appropriations process) from ONDCP to the Department of Justice's Organized Crime Drug Enforcement Task Force (OCDETF).²⁰ The Administration has also stated its intention, should Congress approve that request, to create a "better focused" HIDTA program that will "focus funds on regions that are primary national drug distribution or transit zones."²¹ The Administration has not explained what it means by that statement. The Committee has received reports from sources inside the program, however, indicating that ONDCP and the Justice Department may intend to redirect most, if not all of the requested funding to the five HIDTAs originally designated in 1990 – eliminating up to 23 of the current HIDTAs.

¹³ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/budgetsum05.pdf> (last visited February 24, 2006).

¹⁴ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at http://www.whitehousedrugpolicy.gov/publications/policy/07budget/office_national_drug_control_policy.pdf (last visited February 24, 2006).

¹⁵ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/ondcp.pdf> (last visited February 24, 2006).

¹⁶ The Administration requested that funding for the HIDTA program for fiscal year 2006 be shifted to the Organized Crime Drug Enforcement Task Force (OCDETF) program at the Justice Department; Congress rejected that request.

¹⁷ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at http://www.whitehousedrugpolicy.gov/publications/policy/07budget/office_national_drug_control_policy.pdf (last visited February 24, 2006).

¹⁸ Id.

¹⁹ The Administration is requesting that the HIDTA program funding be transferred from ONDCP to OCDETF at the Department of Justice for fiscal year 2007.

²⁰ The specific budget language proposed by the Administration is somewhat vague as to whether HIDTA would be officially controlled by OCDETF. BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2007: APPENDIX, at 1157 (stating only that HIDTA is "to be carried out by the Attorney General"). However, the appropriation requested by the Administration would be under the "Interagency Crime and Drug Enforcement" heading, which is (in practice) the appropriation for OCDETF. Id. Moreover, in its own budget submission, the Department states, "The FY 2007 President's Budget proposes the transfer of the HIDTA program from [ONDCP] to OCDETF." 2006-2007 DOJ BUDGET AND PERFORMANCE SUMMARY, 107.

²¹ Id.

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Program Background

When it was created in 1990, the program was intended to reduce the nation's overall supply of illegal drugs by bringing together federal, state, and local law enforcement agencies in the most significant regions (each referred to as a "HIDTA") where drugs were produced, smuggled, or distributed. As the program's budget has grown – from only \$25 million at its inception to \$228 million in fiscal year 2005 – the number of designated regions has grown as well. From the initial five HIDTAs in 1990, the program has expanded to 28 HIDTAs, and pressure is building in Congress to create even more of them.

The program's expansion has raised questions about what the true purpose of the HIDTAs really is, and whether the current program structure fulfills the mission Congress set out for it. Those questions are not easy to answer. Some HIDTAs are located in areas (such as the Southwest Border HIDTA) that clearly serve as major smuggling corridors, while others are located in areas more realistically characterized as high drug consumption zones (rather than production or transshipment zones) or as areas with highly localized drug production and trafficking. Even within the HIDTAs, some funded initiatives are targeted at major drug trafficking organizations, while others are aimed at local manifestations of the drug trade (like open drug markets in the streets).

The HIDTA program is, in practice, a blend of the "national" and "regional/local" purposes – both in terms of which areas have been designated as HIDTAs and which initiatives have been funded within each HIDTA. Even the most nationally significant HIDTAs (like the Southwest Border HIDTA) fund some local drug enforcement activities, while even those with the least apparent national impact fund some initiatives aimed at major drug trafficking organizations.

The fact that HIDTAs fund some initiatives of greater significance to the local community and some more important to federal law enforcement is not in itself a problem. In fact, the HIDTA program would not be able to carry out its primary function – to bring federal, state, and local drug enforcement agencies together for cooperative efforts – if no allowance for state and local priorities were permitted. Neither is the fact that some HIDTAs have greater "national" significance than others is itself a weakness. There will always be differences in importance and focus from region to region.

What has been a problem, however, is the program's current inability to base its allocation of funds to the individual HIDTAs on any criteria at all – national, regional, or local. Congress bears much of the blame for this. For many years, appropriations bills

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have forbidden ONDCP from funding any HIDTA at below its previous year's level – effectively locking in over \$200 million of its budget. ONDCP has had true discretion over less than 10 percent of the program's funds.

The Administration, for its part, has done nothing to solve this problem. Each appropriations bill has given ONDCP the option to request a reallocation of HIDTA funds by presenting a plan to the Appropriations Committees in the House and Senate. ONDCP has thus far declined to do so.

As a result, the HIDTA program currently guarantees funds to the designated HIDTAs with little or no regard for efficiency, impact, or national priorities. ONDCP cannot (and until now has not even tried to) redirect the program's funds in response to the ever-changing drug trafficking threat.

The Administration's Proposal

In response to these difficulties, the Administration has proposed drastic changes to the program in each of its last two budget proposals. Last year, the Administration asked Congress to cut the program's budget from fiscal year 2005's enacted level of \$228,350,000 to \$100,000,000 and to transfer the administration of the remaining funds to the Organized Crime Drug Enforcement Task Force (OCDETF), a Department of Justice program. Congress rejected both proposals, electing to keep HIDTA at ONDCP and to fund the program at \$227 million.

This year, the Administration has requested \$208 million for the HIDTA program but has again asked that it be moved to OCDETF. Moreover, as noted above, the Administration has stated its intention to redirect the program dollars to those HIDTAs that are the most important national drug transit and distribution regions.

If enacted, these proposals would effectively terminate the current HIDTA program. The Committee believes that this would be a severe blow to federal, state, and local cooperation and to drug enforcement in general. For this reason, the Committee strongly opposes the budget cut, any radical reallocation of funding (if unaccompanied by a comprehensive, performance-based justification), and the move of the program into the Justice Department.

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Keeping HIDTA at its Current Funding Level

At first glance, the Administration did avoid this year one of the mistakes from its fiscal year 2006 budget proposal: the 56 percent cut in the HIDTA program budget. Instead, the Administration proposes a more modest cut - \$19 million – from the HIDTA budget approved by Congress for fiscal year 2006.

The Committee is concerned, however, that the higher request may not reflect any greater long-term commitment to the HIDTA program. The Administration did not provide any explanation for the drastic cut in its budget proposal last year; neither has it provided an explanation for restoring the funding this year. This suggests that no serious study has gone into what the proper level of funding ought to be. Rather, it appears to reflect political and not practical considerations.

In any case, the Committee believes that HIDTA funding should continue at last year's level of \$227 million. The \$19 million cut proposed by the Administration would eliminate the only portion of the program budget that ONDCP has any real discretion over. The regular budgets of the existing 28 HIDTAs, together with ONDCP's administrative costs for the program, would exhaust virtually all of the \$208 million requested by the Administration. Since (as noted above) language requiring "level funding" of each individual HIDTA has been included in Congress' appropriations bills for nearly a decade, ONDCP has virtually no discretion over the allocation of those funds.

ONDCP has had discretion over the additional funds – approximately \$20 million per year – approved by Congress for the HIDTA program. Such funds have, in the past, been used to fund emergency counterdrug activity in specific HIDTAs (for example, maintaining National Guard assistance at ports of entry in the Southwest Border HIDTA), and to fund special, high-priority investigations of major drug trafficking organizations on the Justice Department's Consolidated Priority Organization Target (CPOT) list.

The Committee strongly supports these uses of the program discretionary funds and urges Congress to continue providing those funds. The Committee also urges Congress, however, to delete or amend language included in the fiscal year 2006 appropriations bill prohibiting the use of any HIDTA funds for the CPOT program. While the Committee agrees that HIDTA funds should not be redirected to non-HIDTA programs, ONDCP should be permitted to use the discretionary funds to reward those HIDTAs that target CPOT organizations.

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Keeping HIDTA in ONDCP

The proposed transfer to the Justice Department is contrary to existing law and to sound drug enforcement policy.²² It would potentially be even more disruptive to the HIDTA program than simple budget cuts.²³

First, transferring this program across departments is contrary to every authorization the Congress has passed for HIDTA. The original legislation creating HIDTA, each of the two reauthorization acts (in 1993 and 1998), and the most recent reauthorization bill passed by the House (H.R. 2086, passed in 2003) specifically placed the program in ONDCP. At no time has the House or the Senate passed legislation moving the program into the Department of Justice. Congress emphatically rejected moving HIDTA out of ONDCP in the final fiscal year 2006 budget.²⁴ Letters signed by 90 Members of the House and 56 Senators expressed Congress' broad-based opposition to any transfer or substantial reduction in HIDTAs.²⁵

Moreover, attempting to move the program through an appropriations bill would almost certainly conflict with any reauthorization legislation agreed to by the House and Senate during this Congress. Notably, the current reauthorization legislation approved by the Committee, H.R. 2829, would keep the HIDTA program within ONDCP.

Even apart from the legal question, moving HIDTA into the Justice Department is highly problematic. At the Subcommittee on Criminal Justice, Drug Policy and Human Resources' March 10, 2005 hearing on this issue, not one of the state and local officials who actively work with the HIDTA program supported moving the program into the Justice Department. Also, in written responses to questions submitted after the hearing, not one of the HIDTA directors supported moving the program.²⁶

²² See *Office of National Drug Control Policy Reauthorization Act of 2005, H.R. 2829: Hearing before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, 109th Cong.* (June 15, 2005). At <http://a257.g.akamaitech.net/7/257/2422/08dec20051200/www.access.gpo.gov/congress/house/pdf/109hrg/23688.pdf> (last visited February 24, 2006).

²³ The Committee's reasons for opposing the transfer of the HIDTA program to the Justice Department are discussed in greater detail in the Committee's report on H.R. 2829 (H. R. REP. 109-315, Part I, at 52-53).

²⁴ See P.L. 109-115.

²⁵ See Letter from Mark Souder, Chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, et al., to House Appropriations Committee (April 12, 2005)(on file with Subcommittee); Letter from Sen. Max Baucus, Sen. Chuck Grassley, et al., to Senate Appropriations Committee April 20, 2005 (on file with the Subcommittee on Criminal Justice, Drug Policy and Human Resources).

²⁶ See *Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation: Hearing before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, 109th Cong.*

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HIDTA, unlike any program currently administered by the Justice Department, seeks to bring together federal, state, and local law enforcement agencies in cooperative operations, intelligence sharing, and investigations. Each HIDTA has an executive board made up of equal representation of federal agencies on the one hand, and state and local agencies on the other. The boards then decide how to allocate their budgets among various task forces and other operations.

This equal voice for state and local agencies has generated an unprecedented level of cooperation on the part of all participants. It is unlikely that state and local agencies will be willing to make significant contributions of their personnel and resources to HIDTA task forces if they believe they will not have an equal say in their deployment.

Notably, the Administration's representatives who testified at the March 10, 2005 hearing declined to inform the Subcommittee about how HIDTA would be managed under OCDETF and how decisions would be made at the local HIDTA.²⁷ The Director of OCDETF, Catherine O'Neil, simply stated that her program would "study" the HIDTA program if granted control by Congress and make changes at a later date.²⁸ The Administration has been no more forthcoming this year about how the Justice Department would administer the HIDTA program.

This approach gets things backwards by demanding the authority to change the program before deciding what changes to make or even whether change is necessary. The Committee agrees that some reforms of the HIDTA program may be needed. However, the appropriate response is for the Administration first to study the program and then make recommendations to Congress for changes in management and funding for individual HDTAs. After Congress has reviewed the Administration's recommendations, it can then decide whether to include them in reauthorizing legislation. Once this occurs, an appropriations request for a revised program would be in order.

Two additional arguments made by the Administration to justify moving the HIDTA program need to be addressed. First, the Administration relies on the HIDTA's

(March 10, 2005). At <http://a257.g.akamaitech.net/7/257/2422/01sep20051200/www.access.gpo.gov/congress/house/pdf/109hrg/22201.pdf> (last visited February 24, 2006).

²⁷ See *Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?* Hearing before the Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, 109th Cong. (March 10, 2005)(testimony of Catherine M. O'Neil, and John Horton). At <http://a257.g.akamaitech.net/7/257/2422/01sep20051200/www.access.gpo.gov/congress/house/pdf/109hrg/22201.pdf> (last visited February 24, 2006).

²⁸ Id. (testimony of Catherine M. O'Neil)

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Program Assessment Rating Tool (PART) review – which claimed that HIDTA had failed to demonstrate results – for its argument that the program must be overhauled. However, ONDCP apparently failed to provide sufficient information about the HIDTA program’s results to the Office of Management and Budget (OMB) and also failed to establish specific performance measures in time for the review. Had OMB been given the complete annual reports of the individual HDTAs, which detail the many investigations, arrests, seizures, and other actions undertaken by the program, and had OMB waited until the performance measures had been fully implemented, it is difficult to see how the HIDTA program could have been graded significantly worse than the Drug Enforcement Administration, the Coast Guard, or any other drug enforcement agency. As noted above, the HIDTA directors have developed a uniform performance measurement system, which now awaits the approval of ONDCP. The Committee urges ONDCP to adopt that system expeditiously and to resubmit HIDTA for PART review when sufficient data has been collected.

Finally, the Administration argues that the program should be transferred in order to consolidate drug enforcement programs within the Department of Justice. There are two problems with this argument. First, even within the federal government, drug enforcement cannot be “consolidated” within the Justice Department. Most federal drug interdiction personnel are employed by agencies at the Department of Homeland Security, namely the Coast Guard, Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE), each of which participate in individual HDTAs. ICE and the Internal Revenue Service (IRS), which also participates in HDTAs, also engage in significant drug enforcement and money-laundering investigations.

Second, although the Justice Department certainly plays a vital role in drug enforcement – both through the investigative work done by DEA and the Federal Bureau of Investigation (FBI) and through prosecutions in federal court by the U.S. Attorneys’ offices – that Department does not have an exclusive focus on drug control. Instead, drug enforcement is but one of many disparate missions that the Justice Department must balance, and the Committee is concerned that counterdrug money would later be absorbed there by non-counterdrug programs. For example, in its press release announcing the fiscal year 2007 Department of Justice budget proposal, the Department mentioned “terrorism” eleven times – and drugs only once.²⁹

ONDCP, by contrast, is exclusively dedicated to drug control. It is not forced to divert resources or attention to other matters. Thus, an anti-drug trafficking program like HIDTA, which brings together both Justice Department and non-Justice Department federal drug control agencies, as well as state and local drug control agencies, is much better located within ONDCP.

²⁹ Press Release, *Department of Justice FY 2007 Budget Request* (Feb. 6, 2006), available at http://www.usdoj.gov/opa/pr/2006/February/06_ag_062.html (last visited Feb. 24, 2006).

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Reallocation of HIDTA Funds

The budget cut proposed last year by the Administration – 56 percent of the previous year’s enacted level – if enacted would have shut down most of the task forces, intelligence centers, and “deconfliction” activities funded by the program. This is because either most of the 28 individual HDTAs would have had to be eliminated, or all of them would have had to accept very deep cuts. The funding level requested for fiscal year 2007 - \$208 million – in principle avoids this problem, since it would permit each HIDTA to be funded at last year’s base level.

The Committee has questions, however, about how the Administration intends to implement its proposal to “focus” the HIDTA program’s funding on only the most significant drug distribution and transit areas. Presumably, this means that the Administration would reallocate funding among the various HDTAs – ending the current practice of “level funding” for the HDTAs. Indeed, if the Administration has no plans to shift the program’s funds, then there seems to be little reason to move it from ONDCP.

At present, however, it is unclear which HDTAs meet the Administration’s new standards – or even what the standards actually are. The Committee is aware of reports that the Administration is considering attempting to redirect all or most of the program’s funds into the original five HDTAs. This would (if fully implemented) eliminate 23 of the existing HDTAs, including:

Chicago HIDTA	Midwest HIDTA
Michigan HIDTA	Washington/Baltimore HIDTA
Appalachia HIDTA	Milwaukee HIDTA
Rocky Mountain HIDTA	Central Florida HIDTA
Ohio HIDTA	North Texas HIDTA
Gulf Coast HIDTA	Atlanta HIDTA
Central Valley HIDTA	Hawaii HIDTA
Lake County HIDTA	Nevada HIDTA
New England HIDTA	North Florida HIDTA
Northern California HIDTA	Northwest HIDTA
Oregon HIDTA	Philadelphia/Camden HIDTA
Puerto Rico / U.S.V.I. HIDTA	

The Committee is not opposed to a reallocation of resources among the various HDTAs to meet the ever-changing drug trafficking threat. Moreover, the Committee strongly supports the proposition that those HDTAs which could have the greatest potential impact on the national supply and distribution of drugs should receive most of the program’s funds. In fact, both of the ONDCP reauthorization bills adopted by the

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Committee in recent years – H.R. 2086 in 2003, and H.R. 2829 in 2005 – envisioned the possibility of annual, evidence-based reallocations among the HIDTAs.

The Committee believes, however, that Congress must have a great deal more information about the Administration's long-term plans for the HIDTA program before it grants such sweeping authority. The termination of numerous HIDTAs will have a severe impact on drug enforcement in the affected regions. The 23 HIDTAs designated after 1990 cover a broad section of the country, including major urban centers, island "transit zones", and rural areas devastated by methamphetamine production and trafficking. The total elimination of all or most of them would have deep repercussions for drug enforcement throughout the country.

Most importantly, the loss of these 23 HIDTAs would destroy one of the most significant means for federal, state, and local cooperative efforts against drug trafficking. Federal drug agencies cannot expect to have real success in controlling drug trafficking without the assistance of state and local law enforcement – the country is simply too large for DEA or any other agency to police it. HIDTA is perhaps our most important tool for enlisting the support of state and local agencies for national anti-drug trafficking efforts.

Seven representatives of state and local law enforcement agencies from around the country who work with the HIDTA program testified about that impact at the Criminal Justice Subcommittee's hearing on March 10, 2005. They told the Subcommittee that the vital task forces, intelligence and investigation "deconfliction" centers, and other interagency activities funded by HIDTA would be eliminated if the program ceased operations in their areas.³⁰

Furthermore, the loss of these HIDTAs would seriously damage our national anti-methamphetamine efforts. All of the HIDTAs with a primary or significant focus on meth were designated after 1990. Some of these HIDTAs – such as the Midwest HIDTA and the Rocky Mountain HIDTA – organize federal, state, and local efforts to stop the proliferation of meth labs. Other HIDTAs – most notably the Central Valley HIDTA in California – target the "superlabs" that have flooded the entire country with meth. In

³⁰ See *Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?* Hearing before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, 109th Cong. (March 10, 2005) (testimony of Ron Brooks, President, National Narcotics Officer's Associations Coalition, Tom Carr, Director, Washington-Baltimore HIDTA, Tom Donahue, Director, Chicago HIDTA, Chief Jack Harris, Phoenix Police Dept. & Vice-Chair, Southwest Border HIDTA, Leonard Hamm, Acting Baltimore Police Commissioner, Mark Henry, President, Illinois Drug Enforcement Officer's Association, and Sheriff Jack L. Merritt, Greene County, Missouri). At <http://a257.g.akamaitech.net/7/257/2422/01sep20051200/www.access.gpo.gov/congress/house/pdf/109hrg/22201.pdf> (last visited February 24, 2006).

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both cases, the loss to our anti-meth strategy would be irreparable. For example, Sheriff Jack Merritt of Greene County, Missouri testified last March that the anti-methamphetamine task force that brings together federal, state, and local law enforcement in his community would be shut down without the HIDTA program.³¹

The impact would not be confined to anti-meth efforts, however. Many of the threatened HDTAs are designed to combat the drug gangs that plague inner-city and other urban centers. These HDTAs – including the Philadelphia/Camden, Lake County (Indiana), Washington/Baltimore, and Chicago HDTAs – have been the primary centers of joint federal, state, and local anti-drug gang activity. The elimination of these HDTAs would destroy one of our best weapons against the drug dealers who terrorize city streets. Baltimore Police Commissioner Leonard Hamm, for example, testified last March that his anti-heroin and anti-drug gang task forces would also end without HIDTA assistance.³²

Eliminating or eviscerating these individual HDTAs would be a far greater financial loss to federal drug enforcement efforts than simply the money spent by the federal government directly on their budgets. State and local agencies make significant contributions of their own agents, employees, office space, and equipment to HIDTA task forces – much of which is not reimbursed with federal dollars and which frequently dwarf, in their dollar value, the federal budget components of the individual HDTAs. We risk losing those contributions without the individual HDTAs.³³

The Committee proposes, instead, that the Administration present to Congress a comprehensive, evidence-based reallocation plan for the HIDTA program – as permitted by recent appropriations bills (and as would be required by H.R. 2829). The plan would allow Congress to evaluate the current state of the HIDTA program overall, the purpose and impact of the individual HDTAs, and recent trends that have altered the drug trafficking landscape since present funding levels were set in the late 1990's. That would allow Congress and the Administration to work together to ensure that HIDTA remains a vital tool in our national anti-drug efforts.

³¹ Id. (testimony of Sheriff Jack Merritt)

³² Id. (testimony of Commissioner Leonard Hamm)

³³ Id. (written responses of each HIDTA director)

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National Youth Anti-Drug Media Campaign

Media Campaign	FY 2005 Requested³⁴	FY 2005 Final³⁵	FY 2006 Requested³⁶	FY 2006 Enacted³⁷	FY 2007 Request³⁸
TOTAL*	\$145	\$120	\$120	\$100	\$120

*in millions

The Committee is deeply concerned about the future of the National Youth Anti-Drug Media Campaign, and believes that the Administration is not working for adequate funding for it. The Campaign, an integrated effort that combines paid and donated advertising with public communications outreach to bring drug abuse prevention messages to young people, has suffered repeated, deep cuts in its budget since 2001. The cuts have been so deep that the Campaign is now at a crossroads: if the Administration and Congress do not increase its budget, the program will likely slip into irrelevance.

Program Overview and History

The Media Campaign funds television, radio, print, and Internet advertisements designed to communicate the dangers of drug abuse to young people and parents. Most of the program's dollars are spent on the purchase of advertising "time and space," namely the cost of actually airing or printing an advertisement. The Campaign also funds the creation, testing, and evaluation of advertisements, industry outreach, and strategic partnerships with local communities. Each dollar spent on time and space must be "matched" by the entity accepting the dollar with one dollar of donated time and space, doubling the impact of the Campaign's expenditures. No match is required for other services purchased by the Campaign, however.

The Campaign was created by Congress in 1997 to expand and enhance the efforts of the Partnership for a Drug-Free America (PDFA), a not-for-profit organization

³⁴ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

³⁵ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

³⁶ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

³⁷ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

³⁸ Id.

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created in 1987 to curb illegal drug use among America's youth. In a collaborative effort, the PDFFA solicited anti-drug ads from various ad agencies who donated their creative talent to design and produce anti-drug television ads (pro bono). The PDFFA also solicited and obtained donated media airtime from the big three television networks to run the anti-drug ads as public service announcements (PSAs).

For over ten years, the PDFFA coordinated these activities with great success and at no expense to the American taxpayer. According to the annual University of Michigan Monitoring the Future survey, at the same time that the level of anti-drug television ads was rising, attitudes about the social disapproval and the perceived risks of illegal drug use were also rising. Likewise, there was a corresponding decrease in illegal drug use among young people during the same period. The program seemed to be working.

Beginning in 1991, however, the donated airtime from the big three media networks began to decline significantly. Throughout the nineties, the PDFFA worked diligently to rebuild the donated air times to previous levels (in 1991 the estimated value of donated media air time was \$350 million) – but that effort did not fully succeed.

In 1996, the PDFFA commissioned an ad agency study which determined that an effective media campaign would require an exposure rate of 4 times per day and frequency rate of 90% of the target audiences. The minimum cost for such an effort was determined to be \$175 million (in 1996 dollars), which represented one-half of the \$350 million donated in 1991.

Realizing they needed help to reach their goals, the PDFFA approached Congress for assistance. In 1997, President Clinton requested \$175 million in federal funds for the program, to be named the “National Youth Anti-Drug Media Campaign.” Congress appropriated \$195 million (for fiscal year 1998) and ultimately gave statutory authorization for the program in 1998.

Early Problems with the Campaign

The Campaign has not been problem-free, however. Almost from its inception, some critics have attacked the program as either ineffective, and/or an inappropriate use of federal funds.

Such criticism was amplified when, in 2000, it was reported that Ogilvy & Mather, the advertising agency that ONDCP (through its contracting agent, the Department of Health and Human Services (HHS)) had hired in 1998 to make media purchases for the Campaign, had improperly charged the government for services during 1999. A subsequent investigation by the GAO determined that Ogilvy had indeed improperly billed the government and that HHS had inadequately managed the contract, in particular by awarding the contract before sufficiently determining whether Ogilvy had

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an adequate accounting system.³⁹ A criminal investigation of Ogilvy by the Justice Department resulted in a settlement in 2002, under which the firm agreed to pay \$1.8 million to the government. In 2005, two former Ogilvy employees were convicted of conspiracy and making false statements in connection with the investigation.⁴⁰

The negative publicity from the accounting scandal was further exacerbated when, despite the accounting irregularities, ONDCP's new contracting agent, the Department of the Navy, exercised its option to renew the contract with Ogilvy in 2001. Indeed, Ogilvy was retained to provide services for the Campaign until the expiration of the contract in 2004. ONDCP defended the government's decision to retain Ogilvy as reasonable in light of all the circumstances, and that argument was not without merit. Nevertheless, the continuing involvement of Ogilvy almost certainly eroded Congressional and public support for the program.

Evaluating and Reforming the Campaign

When Congress first authorized the Campaign, it required extensive evaluations to ensure the program's effectiveness at reducing youth drug use. Beginning in 1998, ONDCP commissioned the National Institute on Drug Abuse (NIDA) at HHS to conduct regular evaluations of the Campaign through the program's initial authorization period (i.e., until the end of fiscal year 2003). NIDA then contracted with Westat, a private research firm, to evaluate the effectiveness of the Campaign-funded advertisements.

Westat's regular reports, the last of which was released in December 2003 (covering the period ending in June 2003), indicated that while the Campaign's advertisements had some positive impact on the attitudes of parents, there was no positive impact on the attitudes of young people.⁴¹ This led many, including some in Congress, to question the utility of the Campaign.⁴²

In response to Westat's reports, Director Walters acknowledged the Campaign's shortcomings in 2002,⁴³ and ONDCP undertook a major strategic overhaul of the

³⁹ *Anti-Drug Media Campaign: Aspects of Advertising Contract Mismanaged by the Government; Contractor Improperly Charged Some Costs*, GOVERNMENT ACCOUNTABILITY OFFICE, REPORT NO. GAO-01-623, June 2001.

⁴⁰ See, Joshua Chaffin, *Former Ogilvy partner sentenced to prison*, FINANCIAL TIMES, July 13, 2005.

⁴¹ WESTAT, EVALUATION OF THE NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN: 2003 REPORT OF FINDINGS, (Dec. 2003)(executive summary available at <http://www.mediacampaign.org/publications/performance.html>).

⁴² See, e.g., CONFERENCE REPORT TO ACCOMPANY H.J. RES. 2 (MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003, AND FOR OTHER PURPOSES), H.R. REP. 108-10, 1345-1346 (2003).

⁴³ Christopher Newton, *Survey: Anti-Drug Ads Have No Effect*, ASSOCIATED PRESS, May 14, 2002.

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program. Major changes included better targeting of advertisements at key age groups, a renewed focus on testing of advertisements before airing, and a primary focus on marijuana, the primary illegal drug of abuse among teenagers.⁴⁴

The Committee believes that the preponderance of the evidence indicates that the post-2002 changes have made the Campaign significantly more effective. A survey by the Partnership for a Drug-Free America (PDFA) in August 2003 demonstrated a significant positive connection between the Campaign-funded advertisements and youth perceptions of marijuana use risk.⁴⁵ In June 2005, the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of HHS, released a report showing that young people who reported having seen or heard prevention messages in the media during the past year were much less likely than their peers to report illicit drug use.⁴⁶

Finally, the ultimate evidence of the Campaign's success is the continuing decline since 2002 in overall drug use, and particularly marijuana use, among teens nationwide.⁴⁷ The bottom line is that when adequately funded and properly managed, the Campaign works.⁴⁸

Program Funding

Despite that record of improvement and success, Congress has not adequately funded the Campaign in recent years. When the program was first created in 1997, it was funded at \$195 million (for fiscal year 1998). From fiscal years 1999 through 2001, it was funded at approximately \$185 million per year; thereafter Congress cut the budget dramatically – to \$180 million in fiscal year 2002, \$150 million in 2003, \$145 million in

⁴⁴ See *ONDCP Reauthorization & the National Youth Anti-Drug Media Campaign: Hearing before House Subcommittee on Criminal Justice, Drug Policy, and Human Resources, Committee on Government Reform*, 108th Cong. (March 27, 2003)(testimony of Christopher Marston). At http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_house_hearings&docid=f:87450.pdf (last visited February 24, 2006).

⁴⁵ PARTNERSHIP FOR A DRUG-FREE AMERICA, PARTNERSHIP ATTITUDE TRACKING STUDY - 2003 TEENS STUDY: SURVEY OF TEENS' ATTITUDES AND BEHAVIORS TOWARD MARIJUANA, (Aug. 2003), at <http://www.mediacampaign.org/publications/index.html>, last visited Feb. 24, 2006.

⁴⁶ *National Survey on Drug Use and Health*, SAMHSA, (June 2005), at <http://oas.samhsa.gov/nsduh.htm#NSDUHinfo> (last visited Feb. 24, 2006).

⁴⁷ See *Monitoring the Future, 2005*, available at <http://monitoringthefuture.org/>.

⁴⁸ For these reasons, the Committee believes that the most recent OMB PART review findings for the Campaign – “results not demonstrated” – are simply not based in fact. Although the direct impact of advertising on its target audience is always difficult to measure, the ultimate “performance measure” for an advertising campaign is whether the target audience responded as hoped. In this case, it is clear that it has: young people are reporting decreased use of marijuana. While many factors may have contributed to this decline, it is hard not to give at least some credit to the marijuana-focused advertisements purchased by the Campaign. The Committee believes that this program is showing clear results, and should be fully funded.

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2004 and \$120 million in 2005. Last year, Congress approved only \$100 million for fiscal year 2006. Following Congress' lead, the Administration began reducing its budget requests for the Campaign, from \$185 million for fiscal year 2002, to \$180 million for 2003, \$170 million for 2004, \$145 million for 2005 and \$120 million for 2006. Finally, for 2007, the Administration has broken this pattern by requesting \$120 million – although this would simply restore the Campaign to 2005's already low level.

In fact, when inflation is taken into account, the budget of the Media Campaign has declined from \$195 million in 1998 to only (approximately) \$83 million (in constant 1998 dollars) for 2006 – a drop of well over 50 percent in the Campaign's resources. The damage to the Campaign is amplified by the fact that advertising costs have far outpaced the overall rate of inflation.⁴⁹ Moreover, since the Campaign relies on the "match" requirement, a drop of one dollar in appropriated funds is, in fact, a two dollar cut in actual advertising exposure – since the Media Campaign cannot obtain a match for that lost dollar.⁵⁰

In the face of these facts, Congress nevertheless began slashing funding for the Campaign at the precise moment when ONDCP corrected many of its early problems. There are probably many reasons for this. First, the negative publicity surrounding the Ogilvy scandal and the early Westat reports garnered far more attention than subsequent improvements. Second, ONDCP's refusal (until just last year) to target any Campaign advertisements at the burgeoning epidemic of methamphetamine abuse meant the Campaign lost an opportunity to build support for the program in rural and other communities hardest hit by that drug. Moreover, continuing disputes over whether the Campaign has been effective, and even how to evaluate it, have also taken their toll.⁵¹

Whatever the reason, the Campaign is now at a crossroads. The Committee urges Congress and the Administration to support full funding for the program. If the current, greatly reduced funding levels are continued or lowered even further, the Campaign will no longer be able to function as originally envisioned by Congress in 1998. A Campaign that cannot reach its audience with sufficient frequency or quality of message is probably not worth funding at all. The Committee hopes that such a result will be avoided.

⁴⁹ See *Fiscal Year 2006 Drug Control Budget and the Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?* Hearing before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, 109th Cong. (March 10, 2005)(testimony of Stephen Pasierb, PDF) (media advertising cost inflation has averaged between 8 and 12 percent over past 8 years). At <http://a257.g.akamaitech.net/7/257/2422/01sep20051200/www.access.gpo.gov/congress/house/pdf/109hrg/22201.pdf> (last visited February 24, 2006).

⁵⁰ Id. at 123

⁵¹ The Committee is aware, in particular, of a dispute between ONDCP and Westat over how to evaluate the Campaign, which may result in the replacement of Westat. That dispute is apparently being reviewed by the GAO, with the GAO's findings to be released sometime this year.

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The Future of the Campaign

In addition to the funding problems faced by the Campaign, two major issues need to be addressed by Congress and the Administration. First, despite the fact that the Campaign's original, primary purpose was to buy media time and space for anti-drug advertisements (to ensure that they reach the national youth audience with sufficient frequency), a growing amount of program funds have been expended on other activities, such as media consultants, and "outreach" to the media industry. A recent report by the Government Accountability Office (GAO) revealed that the Campaign spent over 28 percent of the program's funds from fiscal years 2002-2004 on such activities.⁵²

Concerns about this trend were raised by the Senate Appropriations Committee and by this Committee during the 108th Congress.⁵³ Although some such expenditures are undoubtedly necessary to ensure program effectiveness and adequate management of the Campaign by ONDCP, care must be taken to prevent excessive diversion of program dollars away from their primary purpose. This is particularly important now when the Campaign's budget is shrinking. In a time of scarce resources, the program must focus on its major purpose of getting advertisements on the air.

To ensure that result, the Committee has twice approved legislation that would set a minimum percentage of program funds for purchasing media time and space. H.R. 2829 (as did H.R. 2086 during the 108th Congress) would require, under normal circumstances, that at least 77 percent of Campaign funds be spent on time and space. However, that percentage would rise to 82 percent when the program's budget falls below \$125 million and would fall to 72 percent if the budget rose above \$195 million. By doing so, the legislation seeks to minimize the loss of media time and space in a time of falling budgets and to allow for greater diversification in a time of rising budgets.

Second, although the Media Campaign has produced effective advertisements targeted at marijuana abuse since 2002, only last year (after a great deal of criticism from Congress and the public) did the ONDCP agreed to use Campaign funds to produce similar advertisements targeted at the growing epidemic of methamphetamine abuse. ONDCP has thus far committed to spending \$1 million to produce such advertisements (but has not stated how much it will spend to ensure that they are actually aired).

⁵² *Anti-Drug Media Campaign: An Array of Services Was Provided, but Most Funds Were Committed to Buying Media Time and Space*, GAO REPORT NO. GAO-05-175, March 2005.

⁵³ See SENATE COMMITTEE ON APPROPRIATIONS, REPORT TO ACCOMPANY S. 1589 (TRANSPORTATION, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2004), S. REP. NO. 108-146, at 143 (2003); See *ONDCP Reauthorization: The National Youth Anti-Drug Media Campaign: Hearing before the House Subcommittee on Criminal Justice, Drug Policy, and Human Resource, Committee on Government Reform* 108th Cong. (March 27, 2003). At http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_house_hearings&docid=f:87450.pdf (last visited February 24, 2006).

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The Committee believes that the Campaign needs to do more to deal with methamphetamine and similar emerging drug threats. Last year, a bipartisan amendment to add \$25 million for anti-meth advertisements to the Media Campaign's budget was passed in the House. Regrettably, the Senate did not reciprocate that move. The Committee will explore amending H.R. 2829, however, to set aside some percentage of Campaign funds for anti-meth and similar targeted advertisements for emerging drugs.

Drug-Free Communities (DFC) Program

DFC	FY 2005 Requested⁵⁴	FY 2005 Final⁵⁵	FY 2006 Requested⁵⁶	FY 2006 Enacted⁵⁷	FY 2007 Request⁵⁸
TOTAL*	\$80	\$80	\$80	\$80	\$79.19

*in millions

The Committee generally supports the Administration's request for \$79,190,000 for the Drug-Free Communities (DFC) Program, which assists local community anti-drug coalitions to prevent substance abuse among young people. This is slightly below the same level of funding requested by the Administration and appropriated by Congress for fiscal years 2005 and 2006. The reduction, however, is largely due to the fact that the Administration is only requesting the maximum amount (\$750,000) authorized by statute for the National Community Anti-Drug Coalition Institute. Last year, Congress appropriated funds (\$2 million) exceeding the maximum amount authorized (see discussion below).

While the Committee agrees that the Institute should not be funded at above its authorized level (see below), the Committee is concerned about the Administration's unwillingness to redirect all of the excess funds into new coalition grants (keeping the total program funds at \$80 million). If the program's budget does not expand, many new coalitions may not be able to start their work – particularly in the poorest communities where the need for drug use prevention is greatest.

⁵⁴ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

⁵⁵ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁵⁶ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

⁵⁷ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁵⁸ Id.

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One significant issue facing the program is performance measurement. In its 2006 PART review, DFC received an “adequate” rating – higher than many similar prevention programs.⁵⁹ As is the case with other programs, however, the targets established for DFC – “enhancing the capabilities of community anti-drug coalitions,” “enhancing prevention activities,” and “increase[ing] citizen participation” – have more to do with the processes of the program than with its intended result, namely reducing drug use. Although DFC should not be singled out for criticism on this point, ONDCP and other agencies involved in drug use prevention need to start defining success less in terms of whether the program is simply functioning as planned and more in terms of whether its functions are achieving a quantifiable result.

There is some evidence that the program is achieving that result. In testimony before the subcommittee on April 26, 2005, General Arthur Dean, Chairman and CEO of the Community Anti-Drug Coalitions of America (CADCA), highlighted successes achieved by the DFC Program. According to General Dean, in communities where DFC grantees operate, drug use has sharply decreased in comparison to communities in which there is not an anti-drug presence. For example, in the period of 1993 to 2000, Cincinnati, Ohio achieved a 41% decrease in marijuana use among 7th to 12th graders, while communities in this region without the presence of an anti-drug coalition experienced a 33% increase.⁶⁰

The Committee is pleased by this evidence and hopes that coalitions receiving grants will continue to make efforts to show their quantifiable successes. Such data will help Congress evaluate competing programs for scarce counterdrug funding.

National Community Anti-Drug Coalition Institute

As noted above, the Administration is only requesting \$750,000 for the Institute, which is the maximum amount authorized by statute for fiscal year 2007.⁶¹ The Institute,

⁵⁹ The White House, National Drug Control Strategy, FY 2006 Budget Summary, 96 (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

⁶⁰ See *Drug Prevention Programs and the Fiscal Year 2006 Drug Control Budget: Is the Federal Government Neglecting Illegal Drug Use Prevention?* Hearing before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, 109th Cong. (April 26, 2005)(statement of General Arthur T. Dean, U.S. Army, Retired, on behalf of CADCA). At <http://a257.g.akamaitech.net/7/257/2422/01sep20051200/www.access.gpo.gov/congress/house/pdf/109hrg/22201.pdf> (last visited February 24, 2006).

⁶¹ P.L. 107-82, Sec. 4(d) (2005).

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currently operated by CADCA, provides training and other technical assistance to coalitions receiving funds under the program.⁶²

Congress authorized \$2 million for each of the first two years of the Institute's existence, but thereafter funding was to decrease to \$1 million for two years and then \$750,000 for fiscal years 2006 and 2007.⁶³ As this Committee noted when it approved the legislation authorizing the Institute, federal funding was only supposed to be temporary. The Institute was expected to seek private funding and end all dependence on the federal budget within a few years.⁶⁴

Committee staff have subsequently been informed by personnel at CADCA that the Institute has been unable to obtain the expected private funding. While the Committee is sympathetic, that is a problem shared by many organizations and institutions. While \$1.25 million may not seem to be a large amount of money in the context of the entire federal budget, it potentially represents grants to at least 12 new coalitions. The Committee believes that the Institute should be funded at no more than its authorized level, with additional dollars to go to new grants under the main program.

2005 Drug-Free Communities Grant Application Process

The Committee is closely monitoring a significant dispute that has arisen in the wake of the 2005 DFC grants application process. Major changes implemented at the direction of ONDCP in the review process for grant applications have resulted in the de-funding of 63 community coalitions that had been receiving grants and the placing on probation of 88 more coalitions. The controversy threatens to undermine confidence in the program, and the Committee hopes that it can be resolved soon.

The changes implemented by ONDCP began with the replacement in 2004 of the agency responsible for evaluating proposals and awarding grants – the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Justice Department – with the Substance Abuse and Mental Health Services Administration (SAMHSA) at the Department of Health and Human Services (HHS). Though ONDCP indicated to program participants that the change in administrator would not affect the actual administration of the program, in fact a number of significant changes were made in the evaluation procedures.

⁶² P.L. 107-82, Sec. 4(c) (2005).

⁶³ P.L. 107-82, Sec. 4(d) (2005).

⁶⁴ GOVERNMENT REFORM COMMITTEE REPORT, TO EXTEND THE AUTHORIZATION OF THE DRUG-FREE COMMUNITIES SUPPORT PROGRAM FOR AN ADDITIONAL 5 YEARS, TO AUTHORIZE A NATIONAL COMMUNITY ANTIDRUG COALITION INSTITUTE, AND FOR OTHER PURPOSES (H.R. 2291), H. R. REP. 107-175, Pt. 1.

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It is still not entirely clear how the decisions to fund, de-fund, or place existing coalitions on probation were made by ONDCP and SAMHSA. The co-chairs of the Senate Caucus on International Narcotics Control have requested a full investigation of the revised process by the GAO.⁶⁵ From evidence provided to the Committee, however, several general statements may be made about the revised grant review process:

- Unlike in previous years, the professional “peer reviews” of coalition activity were given far less importance in the final decision to continue funding a coalition, as many of the defunded coalitions received high peer review scores;
- The policy staff of ONDCP played a far more active role in deciding which coalitions would continue to receive funding;
- Although the grant eligibility criteria applied to the coalitions supposedly did not change, it is clear that ONDCP’s interpretation of those criteria did change, as coalitions were defunded on the grounds that they no longer met the eligibility criteria – and there is no evidence that the coalitions themselves changed in any way;
- ONDCP did a poor job of explaining to defunded and probationed coalitions the precise grounds for the adverse decision;⁶⁶ and
- ONDCP placed 88 coalitions on probation because they supposedly exceeded a 20 percent cap on “direct services” spending (namely, spending on specific programs), even though the 20 percent cap is not mentioned anywhere in statute.⁶⁷

There are a number of other questions that remain to be answered, including whether the 20 percent “direct services” cap was actually used as an eligibility criteria – a policy not authorized by the statute. Moreover, the controversy as a whole raises the question of whether ONDCP attempted to implement a significant policy shift in the program – by essentially redefining the purposes and goals of DFC – through what was

⁶⁵ Letter from Sens. Grassley and Biden to the Government Accountability Office (Oct. 18, 2005) at <http://cadca.org/CoalitionResources/pp-main.asp> (last visited February 24, 2006).

⁶⁶ For example, the letters sent to defunded coalitions simply listed all possible grounds why the coalition was found to be ineligible – without specifying which specific grounds, or the facts supporting the particular determination.

⁶⁷ For more specific information about the controversy, see Letters from Sens. Grassley and Biden to Director Walters, (Oct. 18, 2005 and Dec. 2, 2005) at <http://cadca.org/CoalitionResources/pp-main.asp> (last visited February 24, 2006).

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intended to be a merely administrative process. The Committee hopes that GAO will be able to report back to Congress soon on this matter.

Until then, the Committee urges ONDCP and SAMHSA to reexamine some of the decisions made during the 2005 grants review process. In particular, it may be appropriate for ONDCP to implement an “appeals” process for defunded or probationed coalitions, as has been urged by the bipartisan co-chairs of the Senate Caucus on International Narcotics Control.⁶⁸ The Committee also expects that the 2006 grants review process will be conducted in a more transparent manner, ensuring that the program’s fairness is not left in doubt.

Counterdrug Technology Assessment Center (CTAC)

CTAC	FY 2005 Requested ⁶⁹	FY 2005 Final ⁷⁰	FY 2006 Requested ⁷¹	FY 2006 Enacted ⁷²	FY 2007 Request ⁷³
TOTAL*	\$40	\$41.7	\$30	\$29.7	\$9.6

*in millions

The Committee opposes the Administration’s current request for only \$9.6 million for the CTAC program, a drastic cut from the \$29.7 million appropriated for fiscal year 2006 (which was itself a major cut from the \$41.7 million appropriated for fiscal year 2005). The CTAC research program provides support to law enforcement supply reduction by developing advancement in technology for drug detection, communications, surveillance and methods to share drug crime investigative information.⁷⁴ In addition, funding is available for research into drug abuse and addiction. Further, CTAC supports the Technology Transfer Program which supplies new counterdrug technologies to state and local law enforcement.

The proposed decreases would cut the research program from \$14 million to \$9.6 million, while completely eliminating Technology Transfer Program (appropriated at

⁶⁸ See letter from Sens. Grassley and Biden to Director Walters (Dec. 2, 2005) at <http://cadca.org/CoalitionResources/pp-main.asp> (last visited February 24, 2006).

⁶⁹ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

⁷⁰ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁷¹ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

⁷² The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁷³ Id.

⁷⁴ Id. 89.

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nearly \$16 million in fiscal year 2006). The Committee strongly opposes the termination of the Technology Transfer Program.

The program is certainly in need of greater direction and oversight. ONDCP has not taken sufficient steps to ensure that the Technology Transfer Program supports national goals in reducing overall drug trafficking and improving interagency communication and cooperation. For example, ONDCP needs to make sure that any communications or information sharing equipment or systems funded by CTAC do not simply benefit the agency receiving the transfer. Rather, such systems or equipment should only be provided if they also link the recipient agency with other federal, state, and local agencies and result in increased information sharing.

Legislation approved by the Committee (H.R. 2829) would help ONDCP to improve the program's accountability and effectiveness. The bill would give priority, for example, to technology transfers in border drug trafficking regions. It would also require an annual report to Congress listing where transfers were made and what the criteria were for awarding them.

The Committee believes that reform of this kind – not termination – is the appropriate remedy for CTAC's difficulties. At a time when assistance to state and local drug enforcement is under consistent attack, it is unwise for the federal government to cut off yet another source of badly needed anti-drug trafficking technology.

Counterdrug Intelligence Executive Secretariat (CDX)

CDX	FY 2005 Requested⁷⁵	FY 2005 Final⁷⁶	FY 2006 Requested⁷⁷	FY 2006 Enacted⁷⁸	FY 2007 Request⁷⁹
TOTAL*	\$4.5	\$1.98	\$0	\$0	\$0

*in millions

In its report last year, the Committee expressed concerns about the Administration's proposal to eliminate all funding for the Counterdrug Intelligence Executive Secretariat (CDX). Congress ultimately decided not to provide any funding

⁷⁵ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

⁷⁶ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁷⁷ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

⁷⁸ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁷⁹ Id.

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for CDX for fiscal year 2006, and it is the Committee's understanding that the last remaining member CDX staff has since been transferred to the Drug Enforcement Administration's El Paso Intelligence Center (EPIC). This year's budget again proposes no funding for CDX.

This program, which was last appropriated at slightly less than \$2,000,000 for fiscal year 2005, certainly suffered from a lack of direction. It was intended to help ONDCP coordinate the drug intelligence policies and activities of multiple federal law enforcement agencies, most notably through the creation of a General Counterdrug Intelligence Plan (GCIP). The need for that coordination is as great today as it ever was, meaning that the mission of CDX is far from fulfilled.

It may well be that the functions of CDX would be better carried out by another agency, such as EPIC, or the new drug intelligence fusion center created by the Justice Department's Organized Crime Drug Enforcement Task Force (OCDETF). The Administration, however, should set forth its specific plans for improving drug intelligence sharing, preferably through a new GCIP (which is in great need of updating in the post-9/11 era).⁸⁰ For that reason, the Committee included a requirement for a new GCIP in H.R. 2829.

National Drug Court Institute

National Drug Court Institute	FY 2005 Requested⁸¹	FY 2005 Final⁸²	FY 2006 Requested⁸³	FY 2006 Enacted⁸⁴	FY 2007 Request⁸⁵
TOTAL*	\$1.0	\$0.744	\$1.0	\$1.0	\$0.99

*in millions

The Committee generally supports the Administration's request for \$990,000 for the National Drug Court Institute, which is slightly less than last year's request and the appropriated level for fiscal year 2006 (\$1 million). The cut is small, but with the

⁸⁰ The current General Counterdrug Intelligence Plan may be found at <http://www.whitehousedrugpolicy.gov/publications/gcip/index.html>.

⁸¹ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

⁸² The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁸³ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

⁸⁴ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁸⁵ Id.

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increasing popularity of drug court programs around the country, it is more important than ever that ONDCP review these programs and determine their rate of success.

The Committee believes that better guidance could help improve and promote these programs nationwide. A vigorous, mandatory system of drug testing should be applied in every drug court case to ensure that program participants are staying off of drugs. Convicts should be sentenced to drug abstinence, not just drug treatment. Unless participants are given incentives to overcome their drug abuse, it is unlikely that they will avoid future crimes. It is not clear that ONDCP has pursued this issue since the Committee's last report. The Committee therefore intends to explore the matter further.

National Alliance for Model State Drug Laws⁸⁶

National Alliance for Model State Drug Laws	FY 2005 Requested⁸⁷	FY 2005 Final⁸⁸	FY 2006 Requested⁸⁹	FY 2006 Enacted⁹⁰	FY 2007 Request⁹¹
TOTAL*	\$0	\$0.992	\$0	\$1.0	\$1.0

*in millions

The Committee opposes the Administration's proposal to eliminate all federal funding for the National Alliance for Model State Drug Laws, which was funded at \$1,000,000 in fiscal year 2006. The Alliance serves an important function by reviewing the drug laws in the various states and by proposing model state laws in response to new drug threats or challenges. For example, the Alliance recently held a major conference on methamphetamine enforcement, bringing together drug enforcement officials from numerous states to discuss new solutions to the serious problem of meth abuse and trafficking.

Most drug enforcement, treatment and prevention is provided at the state and local level. The federal government has a strong interest in effective state drug policies, and the Alliance helps to promote such policies.

⁸⁶ For more information on the National Alliance for Model State Drug Laws, see the Alliance's website at <http://www.natlalliance.org/>, or contact the Alliance at (703) 836-6100.

⁸⁷ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

⁸⁸ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁸⁹ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

⁹⁰ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁹¹ Id.

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Although Director Walters has claimed that the work of the Alliance could be performed by ONDCP staff,⁹² the Committee strongly disagrees. Since the Administration has not proposed to add any new staff positions to ONDCP, it is unclear which current staff have the additional free time to take up the work of the Alliance. The Committee is not of the opinion that ONDCP is completely fulfilling its current responsibilities. There is thus little indication that the Office is prepared to provide the extensive legal analysis, outreach to state and local governments, and coordination of multi-state information sharing that the Alliance does.

United States Anti-Doping Agency and Membership Dues to World Anti-Doping Agency

U.S. Anti-Doping Agency	FY 2005 Requested⁹³	FY 2005 Final⁹⁴	FY 2006 Requested⁹⁵	FY 2006 Enacted⁹⁶	FY 2007 Request⁹⁷
TOTAL*	\$1.5	\$7.44	\$7.4	\$8.5	\$8.5

*in millions

⁹² See *Fiscal Year 2006 Drug Budget: Hearing before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform*, 109th Cong. 46 (Feb. 10, 2005). At http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_house_hearings&docid=f:20878.pdf (last visited February 24, 2006).

⁹³ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

⁹⁴ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁹⁵ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

⁹⁶ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

⁹⁷ Id.

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World Anti-Doping Agency	FY 2005 Requested⁹⁸	FY 2005 Final⁹⁹	FY 2006 Requested¹⁰⁰	FY 2006 Enacted¹⁰¹	FY 2007 Request¹⁰²
TOTAL*	\$1.0	\$1.438	\$2.9	\$2.9	\$1.5

*in millions

The Committee supports the Administration's request for \$8,500,000 for the U.S. Anti-Doping Agency, an increase of nearly \$7 million over the Administration's fiscal year 2005 request (and identical to the appropriated level for fiscal year 2006). Similarly, the Committee generally supports the Administration's request for \$1,500,000 for our nation's membership dues in the World Anti-Doping Agency. Through the U.S. Anti-Doping Agency and its international counterpart, the United States seeks to stop the use of illegal performance-enhancing drugs by American and international athletes in Olympic sports through education, drug testing programs, and similar initiatives.

The Committee remains committed to investigating steroid abuse in professional sports. The Committee held hearings on March 17, 2005, April 27, 2005, May 19, 2005 and June 15, 2005 to examine steroid abuse in professional sports and steroid use by young women and will continue to provide oversight regarding this issue in order to establish and promote adequate drug prevention and testing programs. The Committee hopes that ONDCP and other elements of the Administration will increase their efforts to stop steroids, doping, and other unhealthy and illegal performance enhancement practices.

⁹⁸ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

⁹⁹ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

¹⁰⁰ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

¹⁰¹ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

¹⁰² Id.

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National Drug Control Program Performance Measures

NDCP Performance Measures	FY 2005 Requested¹⁰³	FY 2005 Final¹⁰⁴	FY 2006 Requested¹⁰⁵	FY 2006 Enacted¹⁰⁶	FY 2007 Request¹⁰⁷
TOTAL*	\$2.0	\$0.992	\$2.0	\$1.5	\$1.98

*in millions

The Committee supports the Administration's request for \$1,980,000 for the further development of performance measures for federal drug control programs, an increase of \$480,000 from the \$1,500,000 actually appropriated for fiscal year 2006. The Committee notes, however, that the "performance measures" funds provided by Congress to ONDCP since fiscal year 2003 have not been used (nor were they intended by Congress to be used) to develop a truly comprehensive performance measurement system for the national drug control programs. Instead, the funds have been intended and used for research into discrete issues of performance measurement. For example, the \$1.5 million appropriated for fiscal year 2006 will be spent to replace the Justice Department's discontinued Arrestee Drug Abuse Monitoring (ADAM) system.¹⁰⁸

In fact, there has been no attempt to generate a comprehensive performance measurement system since 2002. ONDCP was tasked in its 1998 reauthorization statute with developing and submitting a report containing a comprehensive performance measurement system in 1999.¹⁰⁹ ONDCP submitted annual updates to that report through 2002, but the program was discontinued thereafter. Beginning in 2003, Congress began appropriating limited funds to ONDCP for the more limited research programs now in development.

The problem of measuring effectiveness in drug control programs – whether enforcement, treatment, or prevention – is a difficult one. It has never been more necessary than now, however, when tremendous pressure is being placed on every aspect

¹⁰³ The White House, National Drug Control Strategy, FY 2005 Budget Summary (March 2004) at <http://www.whitehousedrugpolicy.gov/publications/policy/budgetsum04/index.html> (last visited February 24, 2006).

¹⁰⁴ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

¹⁰⁵ The White House, National Drug Control Strategy, FY 2006 Budget Summary (February 2005) at <http://www.whitehousedrugpolicy.gov/publications/policy/06budget/index.html> (last visited February 24, 2006).

¹⁰⁶ The White House, National Drug Control Strategy, FY 2007 Budget Summary (February 2006) at <http://www.whitehousedrugpolicy.gov/publications/policy/07budget/> (last visited February 24, 2006).

¹⁰⁷ Id.

¹⁰⁸ OFFICE OF NATIONAL DRUG CONTROL POLICY, FY 2007 CONGRESSIONAL BUDGET SUBMISSION (February 2006), at 129.

¹⁰⁹ 21 U.S.C. 1705(c) (2005).

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of the federal budget, particularly drug control programs. Without adequate performance measures, it will be impossible to demonstrate the real, tangible results of the billions of dollars being spent on enforcement, treatment, and prevention.

The Committee hopes that ONDCP will make solid progress in developing and implementing such performance measures. To that end, the new reauthorization legislation approved by the Committee (H.R. 2829) requires ONDCP to submit a comprehensive performance measurement system as part of each annual National Drug Control Strategy. While the research currently funded should continue, ONDCP needs to ensure a more systematic and inclusive measurement system that will allow Congress and the public to evaluate the progress made by the federal government against drug trafficking and abuse.

Methamphetamine

The Committee is concerned about the Administration's complete unwillingness to provide any leadership or strategy to address the growing methamphetamine epidemic throughout the country. U.S. Attorney General Alberto Gonzalez stated that "in terms of damage to children and to our society, meth is now the most dangerous drug in America."¹¹⁰ According to surveys conducted by the National Association of Counties, meth is now the number one drug problem for the majority (58 percent) of county law enforcement agencies, and the drug is having far-reaching impacts on child welfare services.¹¹¹

Methamphetamine, because of its insidious, devastating social and personal side effects, has presented a novel opportunity to raise our country's cultural awareness of the threat of illicit drug use in general. The Committee remains disappointed that ONDCP has not utilized the heightened media attention that the methamphetamine issue receives to fully develop public awareness and education.

Since the first mention of a meth strategy in the long-overdue October 2004 "National Synthetic Drug Action Plan," the Office of National Drug Control Policy has done nothing but repeat its intention to provide a methamphetamine strategy, as evidenced by the following statement in the National Drug Control Strategy for FY 2006: "The Administration is in the process of developing and releasing a strategic document that details next steps for addressing the problem of synthetic drugs like methamphetamine."¹¹²

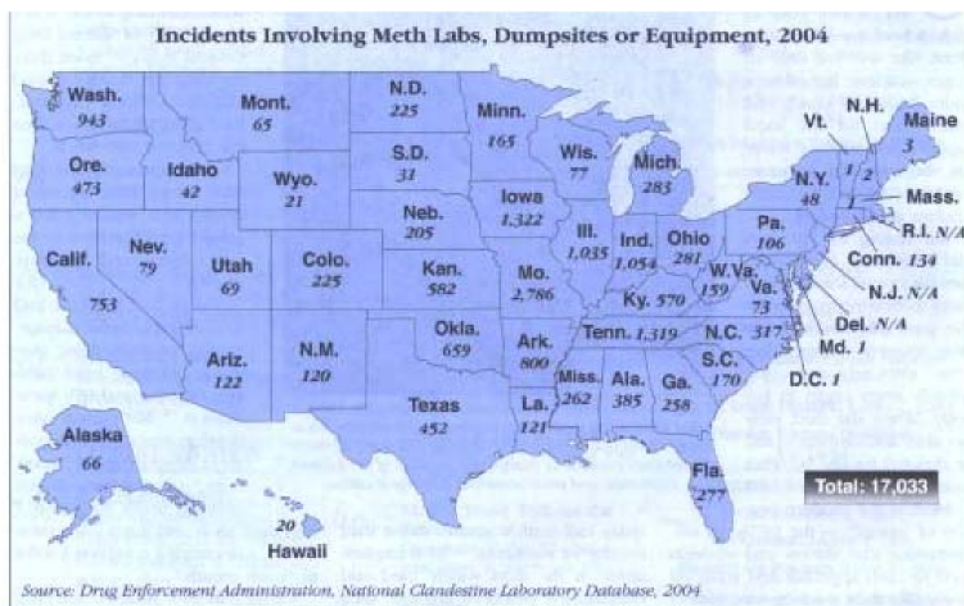
¹¹⁰ Jefferson, David J., *The Meth Epidemic – Inside America's New Drug Crisis*, NEWSWEEK, Aug. 8, 2005.

¹¹¹ National Association of Counties, *The Impact of Meth on Children: Out of Home Placement and The Criminal Effect of Meth on Communities*, July 5, 2005.

¹¹² The White House, National Drug Control Strategy (Feb. 2006) at 15.

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Location of Meth Labs



Methamphetamine has been steadily moving across the country for years, starting on the West coast and moving eastward, devastating countless communities in its wake.¹¹³ In response, the Administration has only delayed, refusing to provide a necessary, comprehensive strategy.

Absence of Administration Legislative Efforts on Methamphetamine

The Administration claims to have supported legislative efforts by Congress to lead in addressing the methamphetamine epidemic: “The Bush Administration has urged Congress to enact legislation that would limit the amount of pseudoephedrine for retail sale to what could be used for individual, legitimate medical purposes.”¹¹⁴ Despite such rhetoric, however, the Administration provided no help to Congress when it was considering the Combat Methamphetamine Epidemic Act that is now a part of the Patriot Act. In fact, a State Department memorandum sharply critical of some provisions of the bill circulated among congressional offices the night before a committee mark-up, while the *New York Times* reported that the FDA was working behind the scenes to block it.¹¹⁵

¹¹³ *Methamphetamine*, 15 CQ Researcher Num. 25, 589, 592 (2006).

¹¹⁴ The White House, National Drug Control Strategy (Feb. 2006) at 15.

¹¹⁵ Gardiner Harris, *Fighting Methamphetamine, Lawmakers Reach Accord to Curb Sale of Cold Medicines*, NEW YORK TIMES, Dec. 15, 2005, at 33; at

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In addition, ONDCP also states: “To ensure that the drug [methamphetamine] is not rerouted away from legitimate businesses and consumers, the Administration is working with other countries to improve the flow of information to the US Drug Enforcement Administration (DEA) about bulk shipments of this chemical.”¹¹⁶

Although a great deal of attention has been paid to the local production of meth in small, clandestine (or “clan”) laboratories, the majority of the U.S. supply of illegal meth is now believed to come from Mexico, or is controlled by Mexican drug trafficking organizations. Moreover, virtually all of the world’s supply of the major meth precursor chemical – pseudoephedrine – is manufactured overseas, in only relatively few factories. As such, meth is as much an international as a local problem.

Most of the methamphetamine problem can be attributed to one simple fact: the U.S. and the international community have failed to set up an effective control system for pseudoephedrine and other precursor chemical products. Unlike meth, pseudoephedrine cannot be made clandestinely – it can only be manufactured in large facilities using very sophisticated equipment. As a groundbreaking report by *The Oregonian* newspaper recently showed, only a few companies worldwide make the chemical, and virtually all of the world’s supply comes from three countries: Germany, India, and China.¹¹⁷ As such, it would not be very difficult for the U.S. and its allies to get better control of the chemical and prevent its large-scale diversion.

Instead, huge amounts of pseudoephedrine products are being shipped all over the world, with little or no tracking or control. Many nations are importing far more than they can legitimately consume, meaning that the excess is probably being diverted to meth production. Mexican imports of pseudoephedrine, the primary meth precursor, have risen from almost 100 tons in 2001 to nearly 224 tons in 2003. Mexican authorities estimate their legitimate demand for pseudoephedrine at only 70 tons per year.¹¹⁸

The International Narcotics Control Board (INCB) very recently released its annual report in which international precursor chemical control is substantially addressed. The INCB report stated: “The emergence of methamphetamine as a major drug of abuse and a significant domestic law enforcement problem in the United States was the most important factor impacting U.S. chemical control in 2005.”¹¹⁹ The report also indicates that “Mexico is now tightening its controls on methamphetamine precursors and the concern is that they will be sold to countries with fewer controls and smuggled into

<http://select.nytimes.com/gst/abstract.html?res=F10810FA34550C768DDDAB0994DD404482> (last visited Feb. 24, 2006).

¹¹⁶ The White House, National Drug Control Strategy (Feb. 2006) at 15.

¹¹⁷ Suo, Steve, *The Mexican Connection*, OREGONIAN, June 5, 2005.

¹¹⁸ Id.

¹¹⁹ Dept. of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report*, vol. I, (Mar. 2006) at 73.

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Mexico, or the U.S., for drug production.”¹²⁰ “Traffickers continue to evade the reach of these initiatives by turning to nonparticipating countries to obtain these ...chemicals. Many of these countries lack the legal, administrative, and law enforcement infrastructure to control the chemicals.”¹²¹

As has been seen in the past, when adequate controls are introduced in country, traffickers will immediately target other countries in the region where controls may not be as strong. Consequently, the report repeatedly calls for a more comprehensive, global system that would compare each country’s legitimate demand with real-time intelligence on exports of precursor chemicals.

The Committee strongly encourages such international efforts to address the control of international precursor chemicals, but was very disappointed by the Department of State’s (DOS) direct opposition to the international provisions addressing precursor chemical reporting within the Combat Methamphetamine Epidemic Act. Moreover, no substantive support, beyond technical comments, was received from the Department of Justice (DOJ).

Cooperation with involved Administration Departments and agencies, such as DEA, State, & DOJ is the specific responsibility of ONDCP. In sum, the Committee must express its deep dissatisfaction with ONDCP which offered no support throughout the legislative process, despite being responsible for leading drug policy efforts within the Administration.

Beyond legislation, the Committee seeks to highlight particular Federal programs that have been established to counteract the continuous and devastating spread of methamphetamine abuse. These programs, critical to mitigating the ongoing threat of methamphetamine, are in substantial danger of being severely degraded by the proposed FY 2007 drug control budget. Foremost among such programs are COPS Meth Hot Spots and methamphetamine-oriented High Intensity Drug Trafficking Areas.

Department of Justice: Methamphetamine-Related Assistance (COPS Meth Hot Spots)¹²²

The Committee has ongoing concerns about the proposed reduction in funds administered by the Department of Justice’s Community Oriented Policing Services (COPS) office dedicated to law enforcement activities against methamphetamine trafficking. To assist these overburdened agencies, Congress approved \$63,590,000 for fiscal year 2006 (up from \$52,556,000 in fiscal year 2005) for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in “drug hot spots.”

¹²⁰ Id.

¹²¹ Id.

¹²² For further information, see the COPS website, <http://www.cops.usdoj.gov/>, or call the COPS office at (202) 616-1728.

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Disappointingly, the Administration again proposes to eliminate the remaining “Meth Hot Spots” funding for other anti-meth enforcement activities – which Congress has always appropriated in the form of specific earmarks for designated projects.

The Committee believes that Congress and the Administration need to work together to restore and reform the additional Hot Spots funding. The proposed elimination of the rest of the “Meth Hot Spots” funding would greatly reduce the ability of affected state and local law enforcement agencies to help their Federal partners in reducing methamphetamine abuse, particularly given the proposed overall reduction in other state and local law enforcement assistance grants.

ONDCP: Methamphetamine oriented High Intensity Drug Trafficking Areas (HIDTAs)

Each High Intensity Drug Trafficking Area (HIDTA) that is primarily focused on combating the spread of methamphetamine was created after 1990. The Midwest HIDTA, which includes Iowa, Kansas, Missouri, Nebraska and South Dakota, was created specifically to fight the spread of meth in the Midwest. It promotes a comprehensive, cooperative strategy by law enforcement at the Federal, state and local levels to reduce drug trafficking.

The collection of multi-agency leaders participating on individual HIDTA boards, individual task force boards and/or oversight committees allows for current information and trends to be shared on the growing concerns and dangers of methamphetamine production, distribution, and use. Nationally, the latest survey indicates there are 211 HIDTA task forces across the nation with 5,321 officers representing 34 states and territories which, in addition to other duties, are substantially involved in enforcement efforts regarding the distribution and/or manufacturing of methamphetamine.¹²³

The methamphetamine issue will continue to be a high priority for the Committee. Such commitment is necessary when Congress is forced to embrace a leadership role where ONDCP has left a void.

¹²³ See *Law Enforcement and the Fight Against Methamphetamine: Improving Federal, State, and Local Efforts: Hearing before the House Subcommittee on Criminal Justice, Drug Policy and Human Resources, Committee on Government Reform, 109th Cong.* (Aug. 23, 2005)(testimony of John Sommer, Director, Ohio High Intensity Drug Trafficking Areas).